

**CITY OF CLEARWATER
PLANNING AND DEVELOPMENT DEPARTMENT
STAFF REPORT**

Meeting Date: March 4, 2025
Case Number: BAA2025-01001
Agenda Item: # 1
Owner/Appellant: City of Clearwater – Marine and Aviation and Engineering Departments
Address: 2741 State Road 580, Clearwater, Florida

REQUEST

Request for a variance to allow for construction seaward of the reach of the mean high tide. This would be done to accommodate floating docks complete with marina utilities, a fueling system, and a walled attendant structure. These would replace the existing fixed timber docks and related utilities and structures. This reduces vulnerability to flooding and flood damage.

BACKGROUND/ANALYSIS

- Chapter 51, Community Development Code, is the City of Clearwater’s flood damage prevention ordinance.
- Permits in flood hazard areas are subject to Chapter 51 and Florida Building code (FBC), principally in Section 1612.
- The proposed location is seaward of the reach of mean high tide.
- The City’s Code, Florida Building Code, ASCE 24 (4.3.1), and 44 CFR requires construction to be landward of the reach of mean high tide.
- The proposed building is in a designated Federal Emergency Management Agency (FEMA) Flood Zone VE and would be seaward of the reach of mean high tide. City Chapter 51, Sec. 51.401(4) and Florida Building Code by reference to ASCE 24, Sec. 4.3. Due to this location construction is required to be landward of the reach of mean high tide [also see NFIP regulation at 44 CFR § 60.3(e)(3)].
- Section 51.606 allows variance approval.
- Chapter 51, Sections 51.601 through 51.608, provides applicants the opportunity to request a variance; whereby, the following are required:
 - Limitations on Authority (Sec. 51.603),
 - Considerations (Sec. 51.607), and
 - Conditions (Sec. 51.608).
 - The City must maintain “documentation related to appeals and variances, including justification for issuance or denial” (Sec. 51.209). Of particular note, any variance must be “the minimum necessary considering the flood hazard, to afford relief” [51.608(2)(c)].

FINDINGS OF FACT

- The new docks are floating.

- Proposed buildings are seaward of the reach of mean high tide and in violation with City Chapter 51, Sec. 51.401(4) and Florida Building Code by reference to ASCE 24, Sec. 4.3, require new construction to be landward of the reach of mean high tide [also see NFIP regulation at 44 CFR § 60.3(e)(3)].
- The dock and ancillary fuel service is the minimum needed and is required to meet with the hardship with the site configuration and the need to have minimal services provided seaward of the reach of mean high tide.
- The Florida Division of Emergency Management, Office of Floodplain Management (FDEM), is designated by the governor to coordinate the National Flood Insurance Program (NFIP) with local governments in Florida. In that capacity, FDEM offers advice to local officials responsible for administering local floodplain management regulations and the flood provisions of the Florida Building Code (FBC). The FDEM has concurred with the ancillary service and the proposal is listed herein as the minimum needed.
- The State’s Floodplain Manager’s office identified “. . .proposals, they do not satisfy the flood provisions of the FBC and the City’s floodplain management regulations in Chapter 51 (Florida Division of Emergency Management, Florida State Floodplain Manager, letter dated January 14, 2025).
- The request is the “the minimum necessary considering the flood hazard, to afford relief” [51.608(2)(c)].

CONCLUSIONS OF LAW

1. Code allows for variance.
2. Proposed new construction of floating docks and amenities for fuel and attendant will be less vulnerable to flood and flood damages.
3. State and Federal flood plain administrators have been closely consulted on this proposal.
4. Preliminary design meets intent of flood ordinance.

RECOMMENDATION TO THE BOARD

This process and approval will sustain the City’s participation with its level of participation with the National Flood Insurance Program (NFIP). The request and design for construction is following input from the Florida State Floodplain Manager, Office of the Floodplain Management and the Federal Emergency Management Office (FEMA). therefore, staff supports the request.